

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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WELLS FARGO BANK, N.A.,

Plaintiff,

10CV1762 (RMM) (ALC)

REPORT AND  
RECOMMENDATION

v.

NATIONAL GASOLINE, INC, et al.,

Defendants.

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**CARTER, United States Magistrate Judge:**

On October 14, 2010, plaintiff Wells Fargo Bank, N.A. (“Plaintiff”) made an application to the Court seeking leave to file an amended complaint (the “Motion”). On November 1, 2010, Judge Rosslyn R. Mauskopf referred the Motion to me for a Report and Recommendation. When the parties next appeared before me, on November 10, 2010, Defendants consented to plaintiff’s filing of an Amended Complaint.

The practice of “liberally grant[ing]” leave to amend in the absence of undue delay or bad faith, coupled with Defendants’ consent in this case, compel me to recommend granting Plaintiff’s Motion. See Fed. R. Civ. P. 15(a)(2); see also Ruotolo v. City of New York, 514 F.3d 184, 191 (2d Cir. 2008). Accordingly, pursuant to 28 U.S.C. § 636(b)(1) and Rules 6 and 72 of the Federal Rules of Civil Procedure, the parties shall have until November 24, 2010 to file written objections to the Report and Recommendation. Failure to file timely objections will preclude appellate review of any order of judgment that will be entered.

**SO ORDERED.**

DATED: November 10, 2010  
Brooklyn, New York

/s

Andrew L. Carter, U.S.M.J.